

REAL ESTATE COMMISSION
Professional & Vocational Licensing Division
Department of Regulatory Agencies
State of Hawaii

MINUTES OF MEETING

Date: Thursday, October 26, 1972

Place: Penthouse, Department of Planning and Economic Development
1010 Richards Street, Honolulu, Hawaii

Present: Douglas R. Sodetani, Chairman
Herbert S. Isonaga, Vice Chairman
Mrs. Mary Savio, Member
John D. Texeira, Member
Louis Cannelora, Member
Ah Kau Young, Member

Ben Matsubara, Deputy Attorney General
Yukio Higuchi, Executive Secretary
Mrs. Lydia Pai, Supervisor, Examination Branch
Mrs. Peggy Lau, Stenographer

George Morris, Jr., Executive Vice President, Honolulu Board of
Realtors and Hawaii Association of Real Estate Boards
Dr. Edward Laitila, College of Business Administration, U.H.
Albert Feirer, Department of Education

Absent: Hiromu Yamanaka

Call to Order: There being a quorum, Chairman Sodetani called the meeting to
order at 9:45 a.m.

Minutes: Upon motion, the minutes of the September 28, 1972 meeting were
approved with the following correction. Amend Paragraph 3 on
Page 2 to read as follows:

"Chairman Sodetani assigned the task of looking
into the feasibility and method of preparing a
real estate manual to the Education Task Force
Committee."

Prehearings: Samuel K. Aki's Application for Broker's License

Samuel Aki appeared before the Commission and spoke on his own
behalf as to why a broker's license should be granted to him.
A question and answer period followed and Aki was excused and
informed that the Commission will notify him of its decision
within 10 days.

After considerable discussion, Mary Savio moved and Ah Kau Young seconded that the Commission issue a broker's license to Aki. Motion was unanimously carried.

Alan A. Johnson's Application for Salesman's License

Alan Johnson appeared before the Commission represented by his counsel, Brook Hart, and by his employing broker, Chaffee.

Brook Hart presented reasons why Johnson should not be deprived of his real estate salesman's license and briefly read California's definition of crimes involving moral turpitude.

Chaffee stated that he would agree to be fully responsible for Johnson's actions as his employing broker if the Commission issues a real estate salesman's license to Johnson.

Johnson was advised that the Commission would notify him soon after it has rendered a decision and then was excused along with his representatives.

John Texeira moved and Herbert Isonaga seconded that Johnson be granted a real estate salesman's license subject to the broker taking full responsibility for Johnson's actions. The motion was carried unanimously.

Marshall Lee Oden's Application for Salesman's License

Marshall Oden represented himself at this informal conference since his attorney was out of town. He gave a brief background of himself and his present job, and presented reasons why the Commission should not deny him a real estate salesman's license.

Following the question and answer session, Oden was asked whether he wants the Commission to reach a decision now or wait until his attorney returns. Oden advised the Commission to proceed with their decision and not wait for his attorney's return. He was then excused.

Mary Savio moved and Louis Cannelora seconded that the Commission grant a real estate salesman's license to Marshall Oden. Motion carried unanimously.

Paul Robert Weissich, Jr.'s Application for Salesman's License

Paul Weissich spoke on his own behalf and presented reasons why the Commission should not deny him a salesman's license.

Weissich was excused following the question and answer period. He was advised that the Commission would notify him as soon as it has rendered a decision.

Mary Savio moved and Ah Kau Young seconded that the Commission grant Paul Weissich, Jr., a real estate salesman's license. Motion carried without dissent.

Committee
Reports:

Education Task Force Committee

Accreditation of Real Estate Schools and Certification of Instructors

The Executive Secretary reported that 17 schools have been accredited thus far.

Incorporation of Vitousek Real Estate School

Herbert Isonaga moved and Louis Cannelora seconded that the Commission transfer the accreditation of Vitousek Real Estate School to Vitousek Real Estate School, Inc. Motion unanimously carried.

Herbert R. Welder, Jr.'s Application for Instructor's Certificate

The Executive Secretary read a letter from Herbert Welder requesting an appeal with the Commission on the basis that his application for instructor's certificate was denied due to lack of general experience in real estate.

The Chairman directed the Executive Secretary to contact Herbert Welder to set up a date for the appeal.

At 1:30 p.m., a letter from Herbert Welder was received advising the Executive Secretary to cancel his request for an appeal.

School Visitation

Albert Feirer advised the Oahu members as to the process and schedule for school visitation. After Albert Feirer had left the meeting, the Chairman was requested to write a letter of appreciation to Dr. Amioka, the head of the Department of Education, thanking him for the assistance Albert Feirer has given the Commission.

Broker's Curriculum

Dr. Edward Laitila distributed copies of a proposed curriculum for broker licensees.

Mary Savio moved and Herbert Isonaga seconded that the Commission adopt the proposed curriculum for broker licensees. The motion unanimously carried.

Herbert Isonaga recommended that the curriculum for broker licensees be made available to all accredited real estate schools immediately.

Real Estate Manual

The Executive Secretary was directed to write to Fred Talley inquiring as to why no response has been made to his letter concerning a real estate manual.

Rules and Regulations Committee

The Executive Secretary reported that the adopted amendments to the rules and regulations have been signed by the Governor. It goes into effect October 27, 1972. A copy of the approved rules and regulations was distributed to each member.

Recovery Fund Report

The Executive Secretary reported that he had not followed through with the Commission's request to review the Real Estate Education Fund to determine whether more of the fund could be placed on interest earning time deposit, because staff automatically reviews the fund whenever there is any new credit available for the Education Fund.

Condominium Review Committee

Louis Cannelora, Chairman of the Condominium Review Committee, reported that at an initial meeting of his committee held in the Honolulu Board of Realtor's office many helpful suggestions were received. His committee is planning to hold a second meeting next week.

Attorney General's Report

Ben Matsubara, Deputy Attorney General, reported on the following complaints against the Real Estate Recovery Fund as follows:

1. Asato vs. Floyd Kaneshiro -- We have filed motion to intervene.
2. Maddigan vs. Zuckercorn and Doleman -- We have asked the Plaintiff's attorney for more legible copies of exhibits filed earlier with the Commission. Plaintiff's attorney thinks that this matter will be settled soon.
3. Bustos vs. Lee vs. Lizawa -- We have been served with a copy of the complaint and notice from Plaintiff's attorney advising the Commission that this may result in recovery from the Real Estate Recovery Fund.

Ben Matsubara further advised the Commission that he has met with the Executive Secretary to review the Real Estate Licensing Law, and proposed legislation will be prepared to amend some of the provisions of the law.

Business Out
of Minutes:

Educational Testing Service

A memorandum submitted by Mrs. Lydia Pai, Supervisor of Examination Branch, was read by the Executive Secretary advising the Commission that it will not be possible to include the additional Hawaii statutes in the January 27, 1973 salesmen examination. If the Commission still desires to include the additional Hawaii statute in later examinations, another contract would have to be signed with additional costs.

June 1972 Examination Results

John Texeira moved and Mary Savio seconded to approve the list dated October 10, 1972, of 11 additional successful broker candidates. Motion unanimously carried.

Chairman Sodehara advised that a law suit has been filed, but as yet no copy of complaint has been received. The Executive Secretary was directed to write to Bob Semanow immediately for assistance and information as Semanow is the authority on what is happening throughout the 50 states, and he would know if any other state has been sued on a similar matter.

Investigations: RE-471 Martin Da Mate

The Executive Secretary advised the Commission that there has been no further progress on this case.

RE-476 Arlene Ellis dba Real Estate Hawaii

Upon motion the Commission again deferred action on this matter as no reply has been received from California.

RE-479 Masao Shintani

The Deputy Attorney General will proceed with a hearing on this case. Hearing officers appointed by Chair are John Texeira and Hiromu Yamanaka.

RE-486 Francis Y. Wong

Chair directed that an informal conference with Francis Wong be scheduled for 9:30 a.m., on November 30, 1972 before the whole Commission.

RE-492 Budget Realty, Ltd.

It was the unanimous decision of the Commission to defer action on this case until the pending litigation is disposed of.

RE-495 Leo Manol, Inc.

It was the unanimous decision of the Commission to defer action on this case inasmuch as litigation is pending.

RE-502 Donald Lowther

Mary Savio moved and Herbert Isonaga seconded that his complaint be dismissed on the basis that the Commission found that Lowther had acted properly in presenting complainant's offer and had dealt fairly with the complainant throughout the entire transaction. Motion unanimously carried.

New Business: Licensing

Corporation

Wendell T. P. Ching & Associates, Inc. - 2229 No. School St., #207
Wendell T. P. Ching PB Honolulu, HI
Miyuki Puckett Realty, Inc. - 904 Kohou Street, Room 203, Honolulu
Miyuki Puckett PB
Bob Mueller Realty, Inc. - 101 Aupuni Street, Suite 218, Hilo
Robert C. Mueller PB
Mid-Pacific Properties, Ltd. - 2511 So. Kihei Road, Box 280, Kihei, Maui
Mary L. Bishop PB
Laniloa Realty, Inc. - 1441 Kapiolani Blvd., Suite 1305, Honolulu
Mary Rogde PB
Maui Condominium Consultants, Inc. - 2180 Main Street, Rm 419, Wailuku
Lawrence N. C. Ing PB

Louis Cannelora moved and Ah Kau Young seconded that the Commission approve the licensing processing of the above as tentatively approved by the Executive Secretary. Motion carried without dissent.

Questionable Application

Branch Office

Better Homes, Inc.

Louis Cannelora moved and Herbert Isonaga seconded that the Commission grant a branch office license to Better Homes, Inc., in Pearl City subject to approval of location by Building Department. Motion carried.

Corporation

Mid Pacific Realty, Inc.

Mid Pacific Realty, Inc. has made application for a broker's license but tentative approval was withheld inasmuch as a broker's license was earlier granted to Mid-Pacific Properties, Ltd. In accordance with the Commission's policy, tentative approval was withheld because of the similarity in the corporate names.

Herbert Isonaga moved and Ah Kau Young seconded to grant a license to Mid Pacific Realty, Inc., because of the economic hardship involved, and inasmuch as the corporations with the similar names are on different islands. Motion carried.

The Executive Secretary was directed to write to Mid Pacific Realty, Inc. advising them if in the future they can see their way clear, they consider making change in name.

Miscellaneous: 44th Annual Conference of Narello

The Executive Secretary reported that the memorandum to the Governor requesting Yukio Higuchi and Ah Kau Young to attend the 44th Annual Conference of Narello was sent on October 25, 1972.

Licensing of Investigators as Real Estate Salesmen

It was discovered that several of the Commission's investigators who had previously taken and passed the real estate salesmen examination have failed to apply for salesman's license due to a misunderstanding. The investigators were led to believe that they should not take out a license while they served as the Commission's investigator. The Commission was requested to give these investigators an opportunity to take out a license at this time.

Herbert Isonaga moved and Ah Kau Young seconded that the investigators that had previously passed the examination and are qualified for a real estate salesman license be given three months to take out an inactive license. Motion was unanimously carried.

Wailea Land Company Request

The Wailea Land Company requested that the Commission allow them to circulate a preliminary prospectus approved by the Securities and Exchange Commission prior to registering their condominium project with the Commission. The purpose of the preliminary prospectus is to get an indication of interest.

Herbert Isonaga moved and Mary Savio seconded to defer action on this matter for further study. The motion was unanimously carried.

The Executive Secretary was directed to mail a copy of the letter to Chairman Sodegami and Ben Matsubara for their review.

Correspondence: Letter from Mrs. Marjorie Bower

In her letter of October 13, 1972, Mrs. Marjorie Bower requested that the Commission allow her to take the salesman examination on a day other than Saturday inasmuch as she is a Seventh-day Adventist.


Herbert Isonaga moved and John Texeira seconded that no special examination will be given to the Seventh-day Adventist. Motion carried.

Announcement: None

Date of
Next Meeting: November 30, 1972 at 9:30 a.m.

Adjournment: There being no further business to transact, the meeting was adjourned at 3:30 p.m.

Recorded by


YUKIO HIGUCHI, Executive Secretary

YH:pg

11/8/72